



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

EMPLOYEES OF SULLIVAN COUNTY NURSING HOME

Petitioner

v.

AMERICAN FEDERATION OF STATE, COUNTY AND
MUNICIPAL EMPLOYEES, COUNCIL 93

Respondent

CASE NO. A-0513:5

DECISION NO. 87-68

APPEARANCES

Representing the Employees:

Dorothy Nies
Fred Reno

Representing AFSCME:

James J. Barry, Jr., Esq.
James C. Anderson, Staff Rep.

BACKGROUND

A Petition for Decertification alleging that the members of a bargaining unit no longer wish to be represented by AFSCME, Council 93, presently representing them, was filed by employees of the Sullivan County Nursing Home on July 30, 1987. Individual signature cards from 30% of the employees, as required by RSA 273-A:10 and Pub 301.02 and 301:04 accompanied the petition.

AFSCME, Council 93, filed an objection to the petition on the basis of several irregularities and timeliness.

FINDINGS OF FACT

1. Election for Certification was held on May 1, 1986 resulting in a 118 to 68 vote in favor of AFSCME, Council 93.
2. A collective bargaining agreement was reached between the parties with an effective date of January 1, 1987 and termination date of December 31, 1987.
3. Sullivan County's budget submission date is December 1st each year.
4. PELRB Rules and Regulations state:

PUB 301.04(a) "A Petition for Decertification... shall be treated in the same fashion as a petition filed under Pub 301.01"

Pub 301.01(a)..."petition must be filed no earlier than 210 days and should be filed no later than 150 days prior to the budget submission date of the affected public employer in the year that agreement expires..."

5. With a December 1st budget submission date, the window period for 1987 in Sullivan County is May 5, 1987 to July 3, 1987.
6. Petition for Decertification was filed by employees of the Sullivan County Nursing Home on July 30, 1987.

ORDER

Based on the foregoing findings of fact, the petition is ruled untimely and is hereby ORDERED DISMISSED.

Dated this 30th day of November, 1987.


EDWARD J. HASELTINE
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding. Members Richard E. Molan, Esq., Richard W. Roulx and Seymour Osman present and voting. Also present, Executive Director, Evelyn C. LeBrun.